

10/523081  
Rec'd PCT/PTO 28 JUL 2005

#4

WEMMH SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> <b>(37 CFR 1.63)</b>		Attorney Docket Number 8310-2
<input type="checkbox"/> Declaration Submitted With Initial Filing		First Named Inventor Gunter SCHMID
<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge 37 CFR 1.16 (e) required)		COMPLETE IF KNOWN
OR		Application Number 10/523,081
		Filing Date February 2, 2005
		Art Unit Not Yet Assigned
		Examiner Name Not Yet Assigned

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe that the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METAL CLUSTER NANO-COMPOUNDS FOR TREATING TUMOR DISEASES**

(Title of the Invention)

The specification of which

☐ is attached hereto  
OR

☒ was filed on (MM/DD/YYYY) February 2, 2005 as United States Application Number or PCT International Application Number 10/523,081 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation in-part-applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
102 35 602.5	DE	August 2, 2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under U35 USC 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)
PCT/EP2003/008475	July 31, 2003	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number <b>30565</b> OR <input type="checkbox"/> Correspondence address below				
Name				
Address				
City	State	ZIP		
Country	Telephone	Fax		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.		
Given Name (first and middle [if any]) <u>Gunter</u>		Family Name or Surname <u>SCHMID</u>		
Inventor's Signature <i>Gunter Schmid</i>		Date <u>23/03/05</u>		
Residence: City <u>Velbert</u>	State	Country <u>Germany</u> <b>DEX</b>	Citizenship <u>Germany</u>	
Mailing Address Klippe 39 b				
City <u>Velbert</u>	State	ZIP <u>42555</u>	Country <u>Germany</u>	
<input type="checkbox"/> Additional inventors are being named on the ___ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.				
<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.		
Given Name (first and middle [if any]) <u>Hubert</u>		Family Name or Surname <u>KUHN</u>		
Inventor's Signature <i>Hubert Kuhn</i>		Date <u>23.3.2005</u>		
Residence: City <u>Solingen</u>	State	Country <u>Germany</u> <b>DEX</b>	Citizenship <u>Germany</u>	
Mailing Address Dusseldorfer Strasse 79				
City <u>Solingen</u>	State	ZIP <u>42697</u>	Country <u>Germany</u>	
<b>NAME OF JOINT INVENTOR, IF ANY:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor.		
Given Name (first and middle [if any]) <u>Maria</u>		Family Name or Surname <u>TSOLI</u>		
Inventor's Signature <i>Tsoli Maria</i>		Date <u>05.04.2005</u>		
Residence: City <u>Essen</u>	State	Country <u>Germany</u> <b>DEX</b>	Citizenship <u>Germany</u>	
Mailing Address Meistersingerstrasse 48 b				
City <u>Essen</u>	State	ZIP <u>45307</u>	Country <u>Germany</u>	

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## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

**I hereby appoint:**

☒ Practitioners associated with the Customer Number:

**30565**

**OR**

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used): \_\_\_\_\_

Name	Registration Number

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b). Please change the assignment records or assignment documents if necessary.

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

**30565**

**OR**

☐ Firm or Individual Name

## Address

## Address

City

State

Zip

Country

Telephone

**Fax**

**Assignee Name and Address:**

**Universität Duisburg-Essen**  
**Universitätsstraße 2**  
**45141 Essen**  
**Germany**

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to at on behalf of the assignee

**Signature**

Date \_\_\_\_\_

Name

Telephone

Title

CHANCELLOR ON BEHALF

## ASSIGNMENT

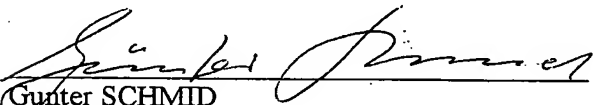
WHEREAS, Gunter SCHMID of Klippe 39 b, 42555 Velbert, Germany, Hubert Kuhn of Dusseldorfer Strasse 79, 42697 Solingen, Germany, and Maria Tsoli, Meistersingerstrasse 48 b, 45307 Essen, Germany, hereinafter referred to as Assignor, has made a new and useful invention in METAL CLUSTER NANO-COMPOUNDS FOR TREATING TUMOR DISEASES, for which Assignor has made or will make application for Letters Patent of the United States; and

WHEREAS, Universitat Duisburg-Essen, hereinafter referred to as Assignee, a not-for-profit corporation of Germany having a principal place of business at Universitätsstrasse 2, 45141 Essen, Germany desires to acquire all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignor in hand paid, the receipt of which is hereby acknowledged, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Assignee, all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignor this 5<sup>th</sup> day of April, 2005, and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignor hereby authorizes and requests the firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP of Bank One Center Tower, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137 to insert here in parentheses (Serial No. 10/523,081 Filed February 2, 2005 ) the date and serial number of said application when officially known, and Assignor hereby authorizes and requests the Commissioner for Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

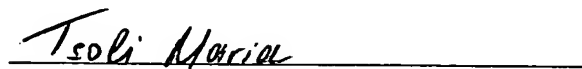
Assignor agrees to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said invention in this and all foreign countries for the use of Assignee.

  
Gunter SCHMID

23.03.05  
Date

  
Hubert KUHN

23.3.2005  
Date

  
Maria TSOLI

05.04.2005  
Date

**COPY**